

**AGENDA MEMO**

**CITY COUNCIL MEETING OF: AUGUST 19, 2009**

**DEPARTMENT: PLANNING AND DEVELOPMENT**

**ITEM DESCRIPTION: SDR-34450 – APPLICANT/OWNER: 521 SOUTH THIRD, LLC**

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***THIS ITEM WAS HELD IN ABEYANCE FROM THE JULY 15, 2009 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.***

**\*\* CONDITIONS \*\***

The Planning Commission (5-0 vote) and staff recommend DENIAL.

**Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-23906) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, landscape plan, and building elevations, date stamped 06/02/09, and color and materials board date stamped 05/08/09, except as amended by conditions herein.
4. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications.
5. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
6. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.

9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

**Public Works**

12. Coordinate with the City Surveyor to determine whether a Reversionary Map is necessary; comply with the recommendations of the City Surveyor.
13. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting Downtown Centennial Plan Standards concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site. An off-site Geotechnical Pavement Design recommendation will be required for all asphalt pavement required for completion of this project.
14. Parking spaces designed perpendicular to and accessed directly from public alleys shall be a minimum of 22 feet in depth from the alley right-of-way line.
15. Landscape and maintain all unimproved right-of-way on 3<sup>rd</sup> Street adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
16. Submit an Encroachment Agreement for all landscaping and private improvements, if any, located in the 3<sup>rd</sup> Street public right-of-way adjacent to this site prior to occupancy of this site.
17. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage patterns for this site prior to submittal of construction plans or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainage ways as recommended.

**\*\* STAFF REPORT \*\***

**PROJECT DESCRIPTION**

The subject site is an existing undeveloped lot located at 521 South 3<sup>rd</sup> Street. This proposal will allow for a one-story, 5705 square-foot office building to be built on a lot within the Office Core of the Downtown Centennial Plan. The proposed building will retain much of the architectural characteristics of the approved building; however, the overall size and height of the proposed building represent 45% and 50% reductions of the approved building, respectively while the onsite parking provided is proposed to be reduced 73%. With only two standard parking spaces and one handicapped accessible parking space provided, the site will be severely limited in parking availability for both employees and visitors. Denial of this request will allow the approved entitlements to remain in place on the subject property.

**Issues**

- Staff cannot support this request for a Major Amendment of an approved Site Development Plan Review as the proposed parking for the site is inadequate, and no alternative plan has been submitted to provide additional parking for the site.

**BACKGROUND INFORMATION**

<b><i>Related Relevant City Actions by P&amp;D, Fire, Bldg., etc and Property Sales</i></b>	
05/22/03	The Planning Commission approved a request for a Site Development Plan Review (SDR-2207) for a proposed commercial parking lot located on the east side of Third Street, approximately 115 feet north of Bonneville Avenue. Included in the request were waivers to several design standards of the Las Vegas Downtown Centennial Plan. Staff recommended approval of this request. Site Development Plan Review (SDR-2207) was not exercised, and expired on 05/22/05.
05/22/06	A deed was recorded for change of ownership.
11/07/07	The City Council approved a request for a Site Development Plan Review (SDR-23906) for a proposed 10,241 square-foot, three-story Office development and parking garage on 0.16 acres at 521 South Third Street. The Planning Commission and staff recommended approval of this request.
06/25/09	The Planning Commission voted 5-0 to recommend DENIAL (PC Agenda Item #25/dc).
<b><i>Related Building Permits/Business Licenses</i></b>	
There are no relevant related building permits or business licenses.	

<b><i>Pre-Application Meeting</i></b>	
04/27/09	<p>A pre-application meeting was held with the applicant where the following information was discussed:</p> <ul style="list-style-type: none"> <li>• Streetscape requirements within the Downtown Centennial Plan.</li> <li>• Development standards for the Office Core.</li> <li>• The submittal requirements for a Major Amendment to an approved Site Development Plan Review.</li> </ul>
<b><i>Neighborhood Meeting</i></b>	
A neighborhood meeting was not held, nor was one required.	

<b><i>Field Check</i></b>	
05/21/09	<p>A field check was performed by staff where the following was observed:</p> <ul style="list-style-type: none"> <li>• The subject site is an undeveloped parcel within the Office Core District of the Downtown Centennial Plan.</li> <li>• An existing pan driveway and five-foot sidewalk front 3<sup>rd</sup> Street.</li> </ul>

<b><i>Details of Application Request</i></b>	
<b><i>Site Area</i></b>	
Gross Acres	0.16

<b>Surrounding Property</b>	<b>Existing Land Use</b>	<b>Planned Land Use</b>	<b>Existing Zoning</b>
Subject Property	Undeveloped	C (Commercial)	C-2 (General Commercial)
North	Office	C (Commercial)	C-2 (General Commercial)
South	Parking Lot	C (Commercial)	C-2 (General Commercial)
East	Office	C (Commercial)	C-2 (General Commercial)
West	Government Facility (Parking Lot)	PF (Public Facilities)	C-V (Civic)

<b><i>Special Districts/Zones</i></b>	<b><i>Yes</i></b>	<b><i>No</i></b>	<b><i>Compliance</i></b>
<b>Special Area Plan</b>			
Downtown Centennial Plan (Office Core)	X		Y
Redevelopment Plan Area	X		Y

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
<b>Special Purpose and Overlay Districts</b>			
Downtown Overlay District	X		Y
A-O (Airport Overlay) District	X		Y
Live/Work Overlay District	X		Y
<b>Trails</b>		X	N/A
<b>Rural Preservation Overlay District</b>		X	N/A
<b>Development Impact Notification Assessment</b>		X	N/A
<b>Project of Regional Significance</b>		X	N/A

## DEVELOPMENT STANDARDS

<i>Standard</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	N/A	7071 SF	N/A
Min. Lot Width	N/A	50 Feet	n/a
Min. Setbacks			
• Front	Zero Feet for Min. 70%	Zero Feet	Y
• Side (North)	N/A	Zero Feet	N/A
• Side (South)	N/A	Zero Feet	N/A
• Rear	N/A	Zero Feet	N/A
Max. Lot Coverage	N/A	100%	Y
Max. Building Height	N/A	34 Feet	N/A
Mech. Equipment	Screened	Screened	Y

*Pursuant to the Downtown Centennial Plan, the following streetscape standards apply:*

<i>Streetscape Standards</i>	<i>Required</i>	<i>Provided</i>	<i>Compliance</i>
3 <sup>rd</sup> Street	A 5-foot amenity zone and 10-foot unobstructed sidewalk are required. Southern Live Oak, Shoestring Acacia, African Sumac, Ash or Pistache shade trees of at least 36-inch box size are required at 30-foot intervals.	A 5-foot amenity zone and 10-foot unobstructed sidewalk are indicated. Within the amenity zone, two 36-inch box Southern Live Oak trees spaced at 30 feet on-center are indicated.	Y

***Pursuant to Title 19.06.060, properties within the Downtown Centennial Plan area are exempt from the automatic application of standard parking requirements. However, the exemption does not prohibit City staff, the Planning Commission, and the City Council from imposing limitations on the approval of a Site Development Plan Review. The parking requirements of Title 19.04 are provided for reference only:***

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Office, Other Than Listed	5,705 SF	1 Space / 300 SF of GFA	19 Spaces	1 Spaces	2 Spaces	1 Spaces	
TOTAL			20 Spaces		3 Spaces		N

***The following table compares the approved Site Development Plan Review (SDR-23906) to the proposed Site Development Plan Review (SDR-34450):***

<b>Standard</b>	<b>Approved (SDR-23906)</b>	<b>Proposed (SDR-34450)</b>	<b>Deviation</b>
Min. Setbacks			
• Front	Zero Feet	Zero Feet	0%
• Side (North)	Zero Feet	Zero Feet	0%
• Side (South)	Zero Feet	Zero Feet	0%
• Rear	Zero Feet	Zero Feet	0%
Lot Coverage	100%	100%	0%
Building Square Footage	10,241 SF	5,705 SF	-44.3%
Building Height	67.5 Feet/3-Stories	34 Feet/1-Story	-49.6%/-66%
Mech. Equipment	Screened	Screened	0%
Parking	11 spaces	3 spaces	-72.7%

## ANALYSIS

- Site Plan**

The proposed site plan meets the overall intent of the Downtown Centennial Plan Office Core Development Standards with the exception of provided parking. Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of standard parking requirements. The exemption does not prohibit City staff, the Planning Commission, and the City Council from imposing limitations on the approval of a Site Development Plan Review. If the Title 19.10 parking requirements were applicable to the subject property, the applicant would be deficient by a total of 17 parking spaces. As a general example based on previously approved developments

within the Downtown Centennial Plan area, parking is typically provided at a ratio of three parking spaces for every 1,000 square feet of office use. Using this figure as a baseline of comparison, 15 parking spaces are required for the development in order to be in line with other, previously approved developments within the Downtown Centennial Plan area.

The floor plan provided by the applicant indicates four private offices and four secretary workstations proposed within the office building, which indicates that several employees can be accommodated within the building. No indications have been made as to how parking for employees and visitors will be accommodated. All other elements of the site plan are in conformance with the Downtown Centennial Plan Office Core Development Standards.

- **Landscape Plan**

The submitted landscape plan is compliant with the requirements of the Downtown Centennial Plan Office Core Development Standards. Two, 36-inch box Southern Live Oak shade trees are provided at 30 feet on-center with requisite tree grates. While not required, additional landscape has been added within a planter adjacent to the façade of the building.

- **Elevations**

The elevations depict a single-story building utilizing pre-cast concrete panels, limestone, split-faced block and copper roofing materials. The proposed building complies with the Architectural Design Standards of the Las Vegas Downtown Centennial Plan.

- **Floor Plan**

The floor plans submitted depict a typical office layout with four private offices, four secretary workstations, a conference room, lobby, break room with kitchenette and men's and women's restrooms.

## **FINDINGS**

In order to approve a Site Development Plan application, per Title 19.18.050 the Planning Commission and/or City Council must affirm the following:

1. **The proposed development is compatible with adjacent development and development in the area;**

The proposed development as a use is compatible with adjacent development and development in the area; however, the parking provided on the site is insufficient to accommodate either the employees or the customers using the site.

2. **The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The proposed development is consistent with the Downtown Centennial Plan Office Core Development Standards and the General Plan, with the exception of parking provided.

3. **Site access and circulation do not negatively impact adjacent roadways or neighborhood traffic;**

The proposed office building has vehicular access from a 20-foot public alleyway on the east side of the property. The alleyway in turn accesses both Clark Avenue and Bonneville Avenue, which are both 80-foot Secondary Arterials according to the Master Plan of Streets and Highways, which will provide adequate access to the site. Pedestrian access is available from either the main entry at the front of the building adjacent to Third Street or through the main door at the rear of the building. These access points will not negatively impact adjacent roadways or neighborhood traffic.

4. **Building and landscape materials are appropriate for the area and for the City;**

The limestone façade building material is unique to downtown Las Vegas, while the remaining materials are appropriate for the area and for the City. The landscape provided is in compliance with the Downtown Centennial Plan Office Core Development Standards.

5. **Building elevations, design characteristics and other architectural and aesthetic features are not unsightly, undesirable, or obnoxious in appearance; create an orderly and aesthetically pleasing environment; and are harmonious and compatible with development in the area;**

The building elevations and design characteristics are not harmonious with the vernacular architecture of downtown Las Vegas. A modern designed or southwestern façade would be more compatible with development in the area.

6. **Appropriate measures are taken to secure and protect the public health, safety and general welfare.**

This proposal will not impact public health, safety or welfare since the development will be subject to the International Building Code and City inspections during construction.



**NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

18

**ASSEMBLY DISTRICT**      6

**SENATE DISTRICT**      3

**NOTICES MAILED**      119 by City Clerk

**APPROVALS**      0

**PROTESTS**      0